

REMARKS

Upon entry of the foregoing amendment, claims 75 and 84 are pending in the application. Claims 22-51 were withdrawn by the Examiner under 37 C.F.R. § 1.142(b) as being directed to a non-elected invention; claims 1-74, and 76-83 have been canceled without prejudice to, or disclaimer of, the material recited therein. Claims 1-21 and 52-74, and 76-83 were rejected under 35 U.S.C. § 103. Claims 1-21, 73-75, and 79-81 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 75 and 84 were stated to be free of prior art.

Claim 75 is amended to incorporate the limitations of claims 1 and 74, from which claim 75 depended, into the claim, and to delete the recitation of SEQ ID NO: 41 from the claim as upon further review of the sequences, Applicants realize that SEQ ID NO: 41 does not include a modified transposase.

The specification is amended to correct typographical errors in the description in Example 20 where several of the vectors were described as vectors using the modified transposase (pTnMOD), but then characterized bases 1-4045 as being derived from pTnMCS rather than the correct vector, pTnMOD. In particular, Applicants note that for the vector of SEQ ID NO: 42, the sequence listing shows the sequence of pTnMOD as the transposase used in the vector (see in particular, nucleotides 1780-1815 of SEQ ID NO: 42 showing the sequence of the modified transposase).

Also, in Appendix A, the sequence of SEQ ID NO: 43 is amended to conform with the description of the vector as found in the specification at page 92, line 32 to page 93, line 15. The only change to the sequence is to insert the sequence of pTnMOD, found in the specification as SEQ ID NO: 1 (Appendix A), as nucleotides 1-4045 of the vector; the remainder of the sequence is unchanged, and thus, is supported by the specification as originally filed. For clarity, however, because the amendment changes the numbering of the sequence, Applicant has deleted the previous sequence and added a new sequence rather than showing the sequence listing with the changes marked. Applicants also submit herewith a Corrected Sequence Listing correcting the sequence of SEQ ID NO: 43 to include the sequence of pTnMOD as nucleotides 1-4045.

Accordingly, no new matter is added by the amendment of the claims or the specification.

The Rejection of the Claims Under 35 U.S.C. § 103 Is Traversed Or Rendered Moot

The Examiner rejected claims 1-21, 52-74, and 76-83 as unpatentable under 35 U.S.C. § 103(a) in view of the combination of Cooper (U.S. Patent No. 5,719,055), Williamson et al., (Appl. Environ. Microbiol., 1994, 60:771-776), Schulz (J. of Mol. Biol., 1991, 221:65-80), Meiss et al., (Biotechniques, 2000, 29:476, 478-480), Wooddell et al., (US Patent Application No. 2003/0143740, published July 31, 2003), in view of Hackett et al., (US Patent No. 6,489,458) or MacArthur et al., (US Patent No. 6,825,396), and further in view of Jeltsch et al., (Eur. J. Biochem., 1982, 122:291-295/NCBI Accession No. Y00407), and Wallace and Sanders (Biology: The Science of Life, 1986, Scott Fresman and Company, pp 235), and further in view of Hu et al., (U.S. Patent No. 6,939,959) and Dobeli et al., (Protein Expression and Purification, 1998, 12:404-414). Without in any way acquiescing to the Examiner's arguments that the claims 1-21, 52-74, and 76-83 are not patentable over the cited references, Applicants have canceled these claims. Thus, Applicants respectfully request that the rejection be withdrawn.

The Rejection of the Claims Under 35 U.S.C. § 112, Second Paragraph, Is Traversed Or Rendered Moot

The Examiner rejected claims 1-21, 73-75 and 79-81 as being indefinite under 35 U.S.C. § 112, second paragraph. The Examiner stated that the claims were unclear as they recited similar embodiments for the limitation -- wherein one or more genes of interest and their operably linked promoters are flanked by insertion sequence recognized by transposase encoded by the modified transposase gene -- in sections (b) and (c) of claim 1, and that the other claims each depended upon claim 1. The Examiner stated that deletion of the limitation from claim 1(b) would obviate the basis of the rejection. Office action at pages 22-23. Applicants note that claim 1 has been cancelled, and the duplicative use of this limitation has been removed from amended claim 75 which now incorporates the remaining limitations of claim 1. Thus, Applicants respectfully assert that the rejection has been rendered moot, and request that the rejection be withdrawn.

CONCLUSION

In view of the foregoing amendment and remarks, each of the claims remaining in the application is in condition for immediate allowance. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections. The Examiner is respectfully invited to telephone the undersigned at (336) 747-7541 to discuss any questions relating to the application.

Respectfully submitted,

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